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9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12

13 **JOSEPH DEONN HORNE,**

Petitioner,

14
15 v.

16 **ROBERT HOREL, Warden,**

Respondent.
17
18

C 07-4592 SBA (PR)

**DECLARATION OF COUNSEL IN
SUPPORT OF APPLICATION FOR
ENLARGEMENT OF TIME**

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20 I, Sara Turner, declare under penalty of perjury as follows:

21 I am the California Deputy Attorney General assigned to handle the above-captioned case.

22 This court issued an order to show cause on March 24, 2008 requiring an answer to the petition for
23 writ of habeas corpus be filed and served on petitioner within one-hundred twenty days of the
24 issuance of the order. With the exception of two documents, I have obtained the necessary court
25 documents. Recently I realized that petitioner had raised new claims in a petition for a writ of
26 habeas corpus in the State court simultaneous with the filing of a petition for review to the California
27 Supreme Court. The California Supreme Court's determination (denial) of petitioner's writ of
28 habeas corpus is anticipated to be delivered on July 21, 2008. I also anticipate receiving a copy of

1 an amended abstract of judgement filed in petitioner's trial court proceeding, which should also be
2 received by July 21, 2008. For these reasons and due to my other commitments, I am unable to file
3 a response by July 22, 2008, and will need the additional time requested.

4 During the past two months, I have filed state court respondent's briefs in *People v.*
5 *Wilson, et al* (A116576), *People v. Pappadopoulos* (A117925), supplemental briefing in *People*
6 *v. Milinich* (H032823), and a response to a petition for writ of habeas corpus in *Wills v. Sisto*, C 07-
7 06003 (TEH) (PR). I am in the process of preparing state court respondent's briefs in *People v.*
8 *Hampton* (A119629), *People v. Hall* (H032623) and *People v. Sanchez*. (A118311). I have
9 conducted significant work in the instant case, which involves of an extremely large record (23
10 volumes of reporter's transcripts), and I have drafted the arguments to petitioner's claims. Because
11 of the amount of work completed on the brief, until today I was unable to anticipate for certain that
12 I would require the ten-day enlargement of time.

13 WHEREFORE, respondent requests an additional ten days, to and until August 1, 2008,
14 within which to comply with this Court's order to show cause. I have not attempted to contact
15 petitioner, who is representing himself in this proceeding, because he is incarcerated in state prison
16 and cannot be conveniently reached.

17 I declare under penalty of perjury of the laws of the State of California and the United
18 States of America that the foregoing is true and correct. Executed at San Francisco, California on
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1 July 18, 2008.

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
4 Attorney General of the State of California

5 DANE R. GILLETTE
6 Chief Assistant Attorney General

7 GERALD A. ENGLER
8 Senior Assistant Attorney General

9 CATHERINE A. RIVLIN
10 Supervising Deputy Attorney General

11 /s/ Sara Turner

12 _____
13 SARA TURNER
14 Deputy Attorney General
15 Attorneys for Respondent
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